

ASSEMBLY BILL

No. 557

**Introduced by Assembly Member Lowenthal
(Coauthor: Assembly Member Laird)**

February 18, 2003

An act to amend Section 21810 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 557, as introduced, Lowenthal. Vehicles: right-of-way: transit busses.

(1) Existing law, until January 1, 2004, requires the driver of a vehicle overtaking a transit bus to yield the right-of-way to the bus if (a) the transit bus has entirely exited an active traffic lane to board or deboard passengers at a designated bus stop, and is attempting to reenter the lane from which it exited; (b) directional signals on the transit bus are flashing to indicate that the bus is preparing to merge with traffic; and (c) the transit bus is equipped with a yield right-of-way sign, as specified, on the left rear of the bus. This requirement applies only in certain transit districts and only if the governing board of the district approves a resolution making the requirement applicable to the district.

This bill would delete the specified repeal date and would provide that the requirement applies to any transit operator, as defined, for which the governing board of the operator has approved a resolution, after a public hearing on the issue, requesting that the requirement be made applicable to the transit operator, and has transmitted a copy of the resolution to the Commissioner of the California Highway Patrol.

Because a violation of the specified requirement is a crime, the bill would establish a state-mandated local program by expanding the scope of that crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21810 of the Vehicle Code is amended
2 to read:

3 21810. (a) The driver of a vehicle overtaking a transit bus
4 shall yield the right-of-way to the bus if all of the following
5 conditions are present:

6 (1) The transit bus has entirely exited an active traffic lane to
7 board or deboard passengers at a designated bus stop, and is
8 attempting to reenter the lane from which it exited.

9 (2) Directional signals on the transit bus are flashing to indicate
10 that the bus is preparing to merge with traffic.

11 (3) The transit bus is equipped with a yield right-of-way sign
12 on the left rear of the bus. The sign shall be both of the following:

13 (A) Designed to warn a person operating a motor vehicle
14 approaching the rear of the bus that the person is required to yield
15 the right-of-way to the bus when the bus is entering traffic.

16 (B) Illuminated by a flashing light when the bus is signaling in
17 preparation for entering a traffic lane after having stopped to
18 receive or discharge passengers.

19 (b) Nothing in this section requires a transit agency to install the
20 yield right-of-way sign described in paragraph (3) of subdivision
21 (a).

22 (c) This section does not relieve the driver of a transit bus from
23 the duty to drive the bus with due regard for the safety of all
24 persons and property. Nothing in this section relieves the transit
25 agency from complying with the standard of care for its passengers
26 established by Section 2100 of the Civil Code.



~~(d) The provisions of this section are applicable to the Santa Cruz Metropolitan Transit District, the Orange County Transportation Authority, the Alameda-Contra Costa Transit District, and the Santa Clara County Transit District, if This section applies to any transit operator for which the governing board of the district approves operator has approved a resolution, after a public hearing on the issue, requesting that this section be made applicable to it the transit operator, and transmits has transmitted a copy of the resolution to the commissioner.~~

~~(e) (1) Notwithstanding Section 7055.5 of the Government Code, on or before December 31, 2002, the commissioner, after consultation with the participating transit agencies, participating law enforcement, and the advisory committee established pursuant to paragraph (3) of subdivision (a) of Section 34501 of the Vehicle Code, shall report to the Legislature on the effectiveness of the right-of-way for transit vehicles established by this section, including, but not limited to, any impact on the highway and local road safety and the efficiency of transit operations. The report shall recommend whether or not the right-of-way established by this section should be made permanent on a local basis, and whether it would be effective if implemented on a statewide basis.~~

~~(2) The commissioner, in consultation with the participating transit agencies, the California Transit Association, the advisory committee, and the participating local law enforcement agencies, shall identify the information required for preparation of the report required under paragraph (1). This information may include, but need not be limited to, all of the following:~~

~~(A) The total number of traffic collisions causing fatalities or injuries, and the number causing only property damage.~~

~~(B) Traffic congestion issues.~~

~~(C) Public opinion issues.~~

~~(D) Efficiency of transit operations.~~

~~(E) The public education program required under subdivision (i).~~

~~(3) The commissioner may develop a format and schedule for reporting the information identified under paragraph (2), and the local law enforcement agencies, transit agencies, and the California Transit Association shall provide the commissioner~~

1 ~~with the information by using that format and in compliance with~~
2 ~~that schedule.~~

3 ~~(f)~~ Each transit ~~agency~~ operator participating in the program
4 shall undertake a public education program to inform motorists of
5 the requirements imposed by this section.

6 ~~(g)~~

7 (f) The base fine for a violation of subdivision (a) is thirty-five
8 dollars (\$35).

9 ~~(h) This section shall remain in effect only until January 1,~~
10 ~~2004, and as of that date is repealed, unless a later enacted statute,~~
11 ~~that is enacted before January 1, 2004, deletes or extends that date.~~

12 (g) *For the purposes of this section, a “transit operator” is any*
13 *entity, including, but not limited to, a joint powers authority*
14 *organized to provide public transportation services, that qualifies*
15 *as a claimant, as defined in Section 99203 of the Public Utilities*
16 *Code, and is eligible to receive allocations under Chapter 4*
17 *(commencing with Section 99200) of Part 11 of Division 10 of the*
18 *Public Utilities Code.*

19 SEC. 2. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.